

ENTERED

APR - 3 2007

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
[at Parkersburg]**

**ERIE INSURANCE PROPERTY
AND CASUALTY COMPANY,**

Plaintiff,

v.

CIVIL ACTION NO.: 6:06-CV-0873

**DWIN McGRAW,
DALE BRUM, and
CARL BRUM,**

Defendants.

ORDER

This civil action involves a request for declaratory relief as to whether or not home owner's coverage exists under a policy of insurance issued by Erie Insurance Property and Casualty Company to Defendant Dale Brum, DDS for the allegations raised in a civil lawsuit filed by Dwin McGraw. Both Dale Brum and Dwin McGraw have agreed to allow entry of judgment to the effect that there is no insurance coverage available under the HomeProtector Ultracover Insurance Policy, policy number Q51-6900388, issued to Dale Brum, DDS by Erie Insurance Property and Casualty Company for the incident that occurred on February 2, 2005, out of which Dwin McGraw filed a civil lawsuit against Dale Brum DDS and Carl Brum in Wood County, West Virginia, styled *Dwin McGraw, plaintiff, v. Dale Brum and Carl Brum, defendants*, Civil Action No. 06-C-179.

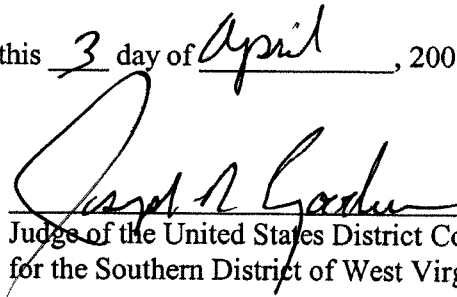
WHEREUPON, the Court having reviewed the foregoing and found such to be procedurally appropriate, the Court hereby **ORDERS** that:

1. The Clerk is hereby directed to enter partial judgment in this action in favor of Plaintiff Erie Insurance Property and Casualty Company and against Defendants Dale Brum, DDS and Dwin McGraw to the effect that there is no home owner's insurance coverage available under the HomeProtector Ultracover Insurance Policy, policy number Q51-6900388, issued to Dale Brum, DDS by Erie Insurance Property and Casualty Company for the incident that occurred on February 2, 2005, out of which Dwin McGraw filed a civil lawsuit against Dale Brum DDS and Carl Brum in Wood County, West Virginia, styled *Dwin McGraw, plaintiff, v. Dale Brum and Carl Brum, defendants*, Civil Action No. 06-C-179.

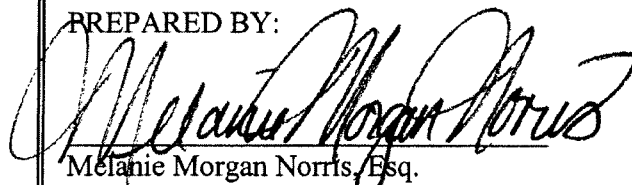
2. Defendants Dale Brum, DDS and Dwin McGraw are hereby DISMISSED, WITH PREJUDICE, from the instant civil action and are not responsible for the fees or costs expended in this action.

This matter is to be DISMISSED and stricken from the Court's docket. The Clerk shall forward to all counsel of record a certified copy of this Order.

The Clerk is so **ORDERED** this 3 day of April, 2007.

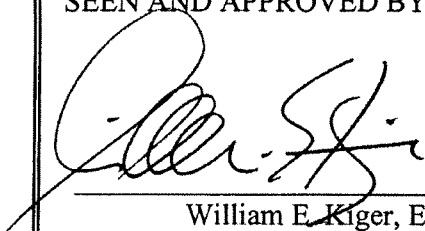

Judge of the United States District Court
for the Southern District of West Virginia

PREPARED BY:

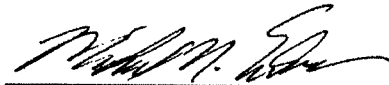


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Dale Brum, DDS